

APPLICANT(S): Ziv Soferman  
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### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims 1-82 are pending in the application. Claims 1-82 have been rejected. Claims 1, 30, 63, 74 and 82 have been amended.

### **Double Patenting Rejections**

In the Office Action, the Examiner rejected claims 1-4, 8, 30-33, 19-21, 63-68 under 35 U.S.C. 101 as being unpatentable over claims 1-3, 5, 19-21, 31-35 of co-pending Application No. 10/693,036.

Applicant respectfully asserts that the Examiner has erroneously rejected claims 1-4, 8, 30-33, 19-21, 63-68 of the present Application, in view of claims 1-3, 5, 19-21, 31-35 of co-pending and commonly owned Application No. 10/693,036, because the subject matter claimed in the instant Application is different than the subject matter disclosed in the co-pending reference. Applicant would like to point the Examiner's attention to the fact that independent claims of the present Application recite limitations pertaining to the application of **fuzzy logic processes** to determine signal sequence characteristics, whereas independent claims of the co-pending Application teach a method and controller wherein **non-fuzzy logic processes** to determine signal sequence characteristics.

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The following are definitions of fuzzy logic and non-fuzzy logic, as they appear in Wikipedia, and they should demonstrate the difference between the two methods, each taught in a separate Application:

***Fuzzy logic** is derived from fuzzy set theory dealing with reasoning that is approximate rather than precisely deduced from classical predicate logic. It can be thought of as the application side of fuzzy set theory dealing with well thought out real world expert values for a complex problem (Klir 1997)."*

***Logic programming** (which might better be called logical programming by analogy with mathematical programming and linear programming) is, in its broadest sense, the use of mathematical logic for computer programming. In this view of logic programming, which can be traced at least as far back as John McCarthy's [1958] advice-taker proposal, logic is used as a purely declarative representation language, and a theorem-prover or model-generator is used as the problem-solver. The problem-solving task is split between the programmer, who is responsible only for ensuring the truth of programs expressed in logical form, and the theorem-prover or model-generator, which is responsible for solving problems efficiently."*

As one of ordinary skill in the art of signal processing and logic circuit design should know, there are fundamental differences in the operation of fuzzy and non-fuzzy logic. These fundamental differences require different technologies, different execution, and produce different results under the same circumstances. Therefore, it would not at all be obvious to one of ordinary skill in the art to simply replace one type of logic with another. Accordingly, Applicant respectfully asserts that co-pending Application No. 10/693,036 could not be considered as a sufficient reference for establishing a double patenting rejection, because it teaches a fundamentally different method of determining signal sequence characteristic.

In addition, the Examiner rejected claims 1-82 on the ground of non-statutory double patenting over claims 1-40 of co-pending Application No. 10/693,036. Applicant respectfully traverses these rejections for the same reasons brought above and believes that in light of the above remarks and arguments, the co-pending Application could not be considered as a sufficient reference for establishing a double patenting rejection regarding the above rejected claims. Applicant respectfully asserts that there is a clear and fundamental

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difference between the subject matter claimed in the present Application and the subject matter claimed in the co-pending Application.

If the Examiner, despite the above clarification, insists on maintaining the double patenting rejections, Applicant is willing to file a terminal disclaimer, once all substantial rejections in light of prior art references have been addressed.

### **CLAIM REJECTIONS**

#### **35 U.S.C. § 101 Rejections**

In the Office Action, the Examiner rejected claims 1-82 under 35 U.S.C. § 101 for non-statutory subject matter.

Independent claims 1, 30, 63, 74 and 82 have been amended, as shown in the **AMENDMENTS TO CLAIMS** section, in order to clearly expressly recite the tangible result/application which is the subject of the pending claims.

Applicant respectfully asserts that these amendments render independent claims 1, 30, 63, 74 and 82 and all claims dependent upon them proper under 35 USC 101, and requests that the rejections be withdrawn.

#### **35 U.S.C. § 112 Rejections**

In the Office Action, the Examiner rejected claims 1-82 under 35 U.S.C. § 112, first paragraph, because allegedly Applicant has not disclosed the practical application for the invention.

As stated above, independent claims 1, 30, 63, 74 and 82 have been amended to clearly recite a tangible result with a practical application. It is respectfully asserted that the foregoing amendments merely address matters of form and do not change the literal scope of the claims as filed, and introduce no prosecution history estoppels issues.

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Applicant respectfully asserts that these amendments render independent claims 1, 30, 63, 74 and 82 and all claims dependent upon them proper under 35 USC 112 and requests that the rejections be withdrawn.

Applicant notes that none of the amendments to the claims herein are in response to any cited prior art rejections.

In view of the foregoing amendments and remarks, all the pending claims are considered to be allowable. Their favorable reconsideration and allowance is respectfully requested.


Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Respectfully submitted,

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